

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
 )  
Revisions to Reporting Requirements Governing ) WT Docket No. 17-228  
Hearing Aid-Compatible Mobile Handsets )

**REPLY COMMENTS OF T-MOBILE USA, INC.**

T-Mobile USA, Inc. (“T-Mobile”)<sup>1</sup> submits these reply comments in response to the comments in the above-captioned notice of proposed rulemaking proceeding,<sup>2</sup> in which the Commission seeks input on revising the FCC Form 655 hearing aid-compatibility (“HAC”) recordkeeping and reporting requirements for wireless service providers.

**I. INTRODUCTION**

T-Mobile strongly supports the goal of providing people with hearing loss access to a variety of wireless devices that are hearing aid-compatible. Under the FCC’s currently effective benchmarks, a wireless service provider must meet, for each air interface over which its models operate: (1) at least an M3 rating for acoustic coupling for at least 50 percent of its models using that air interface or ten models and (2) at least a T3 rating for inductive coupling for at least one-third of its models using that interface or ten models. Beginning April 3, 2019, the benchmarks for each Tier I carrier such as T-Mobile increase so that at least 66 percent of the handset models it offers have at least an M3/T3 rating and increase again to 85 percent beginning April 4, 2022. Through extensive efforts, T-Mobile has met these benchmarks.<sup>3</sup>

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<sup>1</sup> T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly traded company.

<sup>2</sup> See *Revisions to Reporting Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Notice of Proposed Rulemaking, WT Docket No. 17-228, FCC 17-123 ¶ 2 (Sept. 27, 2017) (“Notice”).

<sup>3</sup> T-Mobile’s 2016 Form 655 is available at [http://wireless.fcc.gov/hac/index.htm?job=rpt\\_sp\\_c](http://wireless.fcc.gov/hac/index.htm?job=rpt_sp_c).

The company also has a long history of promoting HAC availability and awareness. In addition to making information about its HAC products available on its website and in its owned and operated stores, T-Mobile embraces opportunities to advance consumers' understanding of its HAC offerings (in addition to its other products, services and innovations designed to promote accessibility) by participating in conferences attended by organizations representing persons with hearing loss.<sup>4</sup> Moreover, T-Mobile's Accessibility Council serves as a forum that facilitates valuable information exchanges between external industry experts and company representatives regarding accessible product and service enhancements and opportunities.

## **II. THE INITIAL COMMENTS DEMONSTRATE THAT FOR ALL SERVICE PROVIDERS THE BURDENS OF FORM 655 OUTWEIGH THE BENEFITS**

The *Notice* seeks comment on revising the Commission's Form 655 wireless HAC annual reporting requirements "for all service providers, including Tier I carriers."<sup>5</sup> The record demonstrates that the time for relief from the Form 655 burdens has come not only for non-nationwide service providers but also for Tier I carriers like T-Mobile.

As the initial comments describe,<sup>6</sup> consumers today can obtain information about HAC-compliant handsets from numerous sources. These sources include the Accessibility Clearinghouse operated by the FCC;<sup>7</sup> AccessWireless.org and the Global Accessibility Reporting Initiative;<sup>8</sup> product information offered by service providers and manufacturers, including

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<sup>4</sup> Such outreach efforts are also described in T-Mobile's Form 655 reports. *See, e.g., id.*

<sup>5</sup> *Notice* at ¶ 20.

<sup>6</sup> Comments of CTIA and Competitive Carriers Association, WT Docket No. 17-228, at 3 (Nov. 13, 2017) ("CTIA/CCA Comments").

<sup>7</sup> FCC, *Accessibility Clearinghouse – Products and Services*, <https://ach.fcc.gov/products-and-services/> (last visited Nov. 21, 2017); FCC, *Accessibility Clearinghouse – Hearing, Language and Speech Disabilities*, <https://ach.fcc.gov/resources-by-disability/hearing-language-and-speech-disabilities/> (last visited Nov. 7, 2017).

<sup>8</sup> access Wireless<sup>TM</sup>, *People Who Are Deaf or Hard of Hearing*, <http://accesswireless.org/Disability-Categories/Hearing.aspx> (last visit Nov. 21, 2017); Global Accessibility Reporting Initiative, *Find Accessible Devices & Apps*, <https://www.gari.info/findphones.cfm> (last visited Nov. 21, 2017).

information about HAC on packaging materials<sup>9</sup> and from publicly accessible websites;<sup>10</sup> call and service centers of service providers and manufacturers;<sup>11</sup> and in-store handset testing at retail stores owned or operated by service providers.<sup>12</sup> Rather than search the FCC’s Form 655 website, consumers shopping for a HAC-compliant handset are much more likely to view the website of a manufacturer and/or wireless provider for all the current handset information.<sup>13</sup>

Consumers’ desire for “up-to-date” HAC information is not satisfied from FCC Form 655.<sup>14</sup> Manufacturer and carrier websites provide information about the HAC status of available handsets that is more current than information available from the HAC status reports.<sup>15</sup> Because wireless handsets introduced on January 1 of a given year are not reflected in a service provider’s Form 655 until the following year, the Form 655 does not serve the objective of providing consumers with up-to-date information.

The initial comments also establish that the burdens of preparing Form 655 are substantial. Several commenters note that, while the Form 655 instructions estimate that the average burden of responding is just 2.5 hours annually, the Form 655 in actuality requires detailed monthly recordkeeping, often involving several hours per month of employee time.<sup>16</sup> T-Mobile agrees with commenters who state that completing the Form 655 requires a time

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<sup>9</sup> See 47 C.F.R. § 20.19(f)(1).

<sup>10</sup> See, e.g., T-Mobile, *About T-Mobile – Accessibility Policy*, <https://www.t-mobile.com/company/company-info/consumer/accessibility-policy.html> (last visited Nov. 21, 2017).

<sup>11</sup> 47 C.F.R. §§ 6.11(a)(3) and 14.20(d).

<sup>12</sup> 47 C.F.R. § 20.19(c)(4).

<sup>13</sup> Comments of AT&T, WT Docket No. 17-228, at 4-5 (Nov. 13, 2017) (“AT&T Comments”); see also Comments of the Rural Wireless Association, Inc., WT Docket No. 17-228, at 2 (Nov. 13, 2017) (“RWA Comments”) (handset information is readily available from sources other than Form 655).

<sup>14</sup> Comments of Hearing Loss Association of America, Telecommunications for the Deaf and Hard of Hearing, Inc., the Deaf and Hard of Hearing Consumer Advocacy Network, the National Association of the Deaf, and the Deaf/Hard of Hearing Technology RERC, WT Docket No. 17-228, at 2 (Nov. 13, 2017) (“Comments of Consumer Groups and Gallaudet RERC”).

<sup>15</sup> AT&T Comments at 5.

<sup>16</sup> RWA Comments at 2; Comments of the Blooston Rural Carriers, WT Docket No. 17-228, at 2 (Nov. 13, 2017) (“Blooston Comments”).

commitment far in excess of the Commission's estimate.<sup>17</sup> Moreover, as CTIA/CCA describe, the Form 655 online portal is unwieldy;<sup>18</sup> in some areas it does not even allow a carrier to copy and paste information but instead requires each piece of information to be entered manually.<sup>19</sup>

To the extent the Commission finds that Form 655 reporting requirements are unnecessary for Non-Tier I service providers, that finding should be equally applicable to Tier I service providers. Thus, the Commission should reform Form 655 reporting for all service providers. As an alternative, Form 655 reports could be replaced with a certification system as suggested by AT&T and CTIA/CCA,<sup>20</sup> which is similar to the accessibility certifications already being made by carriers.<sup>21</sup> In doing so, however, the FCC should adopt a safe harbor from enforcement for wireless providers that rely on the HAC information provided by manufacturers, in case any such data turns out to be inaccurate.<sup>22</sup>

At a minimum, however, the Commission should streamline the online Form 655. Consumer Groups have stated that they could support streamlining the reports to make them less burdensome to all service providers.<sup>23</sup> As suggested in the comments, the Commission should link the information in the Form 655 with other data such as the manufacturers' HAC certifications,<sup>24</sup> and it should eliminate the requirement to list every frequency that a handset is capable of utilizing,<sup>25</sup> as the collection of frequency information is not particularly useful to

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<sup>17</sup> AT&T Comments at 6 ("Compiling and submitting this information for the HAC status reports alone take multiples of the two and a half (2.5) hours, on average, that the Form 655 Instructions estimate it would take to compile this information."); CTIA/CCA Comments at 8; Blooston Comments at 2.

<sup>18</sup> CTIA/CCA Comments at 7.

<sup>19</sup> *Id.* at 9-10.

<sup>20</sup> *Id.* at 9; AT&T Comments at 8.

<sup>21</sup> AT&T Comments at 7-8.

<sup>22</sup> *Id.* at 2, 10.

<sup>23</sup> Comments of Consumer Groups and Gallaudet RERC at 9; *see also* Letter from Lise Hamlin, Director of Public Policy, Hearing Loss Association of America, to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 17-228 (filed Nov. 15, 2017)

<sup>24</sup> CTIA/CCA Comments at 6-7.

<sup>25</sup> AT&T Comments at 8.

consumers. Additionally, the Commission should revisit the Product Labeling questions on Form 655, especially regarding the power down GSM exception and concerning handsets that were certified under the 2007 ANSI standard but were tested and had not met the requirements under the 2011 ANSI standard. These questions either are or are becoming outdated.

### **III. CONCLUSION**

The wireless industry's technological advancements in HAC have been significant, resulting in an impressive marketplace of HAC devices available today. As the burdens of preparing Form 655 outweigh the limited benefits, the annual HAC report should be reformed.

Respectfully submitted,

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